

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

IN RE:  
DONALD LEWIS SMITH  
STARR ANN SMITH  
Debtor(s)

CASE NO. 12-30250

CHAPTER 13

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AGREED ORDER RESOLVING TRUSTEE'S MOTION TO DISMISS - DOCKET # 24

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COMES NOW, the Trustee, Debra L. Miller, and the Debtor(s), by Counsel, and state as follows:

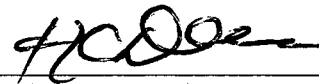
1. On 3/8/13, the Trustee filed a Motion to Dismiss stating that Debtors were \$860 delinquent in their Plan payments to the Trustee.
2. On 3/30/13, Debtor(s), by Counsel, filed an Objection to Trustee's Motion to Dismiss stating that Debtors informed Debtors' counsel that Mr. Smith was suspended without pay from his employer and that he is receiving short term disability income which is expected to end soon. Debtors further represented to Debtors' counsel that Mr. Smith's employer had not yet made a decision as to whether or not he will be allowed to return to his job.
3. On 5/9/13, a Hearing was held regarding said Motion to Dismiss and Debtors' Objection thereto at which time the Trustee and Debtors' Counsel advised the Court the Trustee's Motion to Dismiss has been resolved.
4. The terms of the parties' agreement are as follows: No later than thirty (30) days after this Agreed Order is approved by the Court, Debtors shall either file a post-confirmation modification to the Chapter 13 Plan (if feasible) or convert this case to Chapter 7 (if Chapter 13 is no longer feasible). If Debtors do not either file a post-confirmation modification to the Plan or convert this case to Chapter 7, within 30 days, then the Trustee's Motion to Dismiss shall be granted and this case shall be dismissed without prejudice and without further notice or hearing.
5. All other terms of the Plan remain the same.

Dated: 5/20/13

  
/s/Debra L. Miller, Trustee  
Debra L. Miller, Trustee  
PO Box 11550  
South Bend, IN 46634  
(574) 251-1493

SO ORDERED, this 31st day of May 2013

/s/ James K. Tamke  
James K. Tamke, Attorney  
James K. Tamke, PC  
922 East Jefferson Blvd.  
South Bend, IN 46617  
(574) 289-8788

  
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Harry C. Dees Jr., Judge  
United States Bankruptcy Court